IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6966 OF 1998

Ravindra Mahadu Patil .. Petitioner
V/s.
Major DAA & QMG for
Commander and Ors. .. Respondents

Mr. S.S. Kulkarni for the Petitioner
Mr. Sureshkumar i/b. Mr. H.P. Chaturvedi for the Respondent Nos. 1 to 4.

(In Chamber : At 2:30 pm. For Speaking to Minutes)

CORAM : S. RADHAKRISHNAN &
DR. D.Y. CHANDRACHUD, JJ.
DATED : 10.02.2005

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. After hearing both the parties, it is agreed between the parties that the following portion in paragraph no. 13, and paragraph no. 14 of the order dated 23.11.2004 should stand deleted, which reads as under:-

> "Having regard to the facts and circumstances and in the larger interest of justice, we direct the Respondents to take back the Petitioner in service so as to enable him to complete the remaining two camps, by condoning the intervening period, provided the Petitioner is not age barred.
>
> 14. In the event the Petitioner is age barred for completing the said two camps, the Respondents shall pay the Petitioner all the dues as if had completed the said two camps, on par with the others who had completed the said two camps in 1998 and 1999, who were similarly situated as that of Petitioner."

Instead, now the paragraph no. 14 will read as under:-

> "14. The Respondents shall pay the Petitioner all the dues, as if he had completed the said two camps falling within the initial period of seven years,

as if he had completed the said two camps on par with

the others who had completed the said two camps during the year 1998 and 1999. The Petitioner is at liberty to apply to the Respondents for extension as per the proviso (i) to Rule 11 of the Territorial Army Act Rules, 1948, and the Respondents to decide the same in accordance with law on it's own merits. This Application to be considered by the Respondents on the footing as if the Petitioner has completed seven years."

2. Parties to act on an ordinary copy of this order duly authenticated by the Sheristedar/Court Stenographer.

(S. RADHAKRISHNAN, J.)

(DR. D.Y. CHANDRACHUD, J.)